

In re) Fair Hearing No. 20,717
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Appeal of)

The petitioner appeals the decision by the Department for Children and Families, Health Access Eligibility Unit (HEAU) terminating her coverage under the Vermont Health Access Program (VHAP) for failure to pay the program premium.

1. The petitioner does not dispute that she received timely notice from the Department that payment of her monthly VHAP premium was due by December 15, 2006, and that her VHAP eligibility would end effective January 1, 2007 unless she paid her premium by that date.¹

2. The petitioner admits that she has not paid her premium for any month since December 2006.

3. The petitioner does not dispute that her household income is \$2,416.35 a month, and that based on this amount the Department correctly determined her premium to be \$30 a

¹The petitioner's son remains eligible for Dr. Dynasaur benefits.

month. The petitioner maintains she cannot afford to pay this amount.

ORDER

The Department's decision is affirmed.

REASONS

In response to a legislative directive (Act 66 of 2003) to enact cost-savings measures designed to sustain the public health care assistance programs, the Department adopted regulations establishing monthly "premiums" to be paid prospectively by VHAP recipients beginning on January 1, 2004. VHAP 4001.91, Bulletin No. 03-17F. Unfortunately, the regulations require that "coverage shall be terminated if an individual does not pay the required program fee by the billing deadline". W.A.M. § 4001.91. In this case there is no dispute that the petitioner did not pay her program fee by the December 31, 2006 deadline and that she was duly and timely notified by the Department of the closure of her benefits as of that date.

The regulations also provide that individuals terminated from VHAP for non-payment of the premium must pay a new premium and reapply for benefits. W.A.M. § 4001.91. The regulations allow the Department up to 30 days to act on any

application for benefits. W.A.M. § 4002.2. Unfortunately, the regulations make no provision for any exceptions or exemptions from the premium payment requirement.

Inasmuch as the Department's decision in this matter was in accord with the pertinent regulations the Board is bound to affirm. 3 V.S.A. § 3091(d), Fair Hearing Rule 17.

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